

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INDYMAC BANK, F.S.B.,

Plaintiff,

– against –

NATIONAL SETTLEMENT AGENCY, INC.;
STEVEN M. LEFF; RACHEL M. LEFF; RICHARD
A. LEFF; and OPTAMERICA MORTGAGE, INC.,

Defendants.

Case No.: 07 cv 6865 (LTS)(GWG)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying memorandum of law dated March 11, 2008, IndyMac Bank, F.S.B. hereby moves this Court, before the Honorable Gabriel W. Gorenstein, United States Magistrate Judge, 500 Pearl Street, New York, New York, Courtroom 17-A, at a date and time to be set by the Court, for an order pursuant to Fed. R. Civ. P. 64 and 69 (incorporating New York CPLR § 5225(b)), ordering nonparties/garnishees 180 Madison Owners, LLC and Sitt Asset Management, LLC, to turn over \$141,766.68 (plus interest from April 18, 2007); or alternatively, under CPLR § 5227, entering judgment against them, and for such further relief as may be proper. By agreement between counsel, opposition papers will be filed on April 1, 2008 and reply papers on April 8, 2008.

Dated: New York, New York
March 11, 2008

FELDMAN WEINSTEIN & SMITH LLP
Attorneys for IndyMac Bank, F.S.B.

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